

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
SPECIAL MEETING AND PUBLIC HEARING MINUTES
CITY OF AUBURN LEA HILL AREA ANNEXATION (FILE NO. 2249)
MARCH 6, 2007

The following Minutes are a summary of the Special Meeting/Public Hearing for the City of Auburn Lea Hill Area Annexation (File No. 2249). Complete written transcripts are available from the Boundary Review Board.

I. CALL TO ORDER

Michael Marchand, Chair, convened the meeting of March 6, 2007 at 7:00 P.M.

II. ROLL CALL

The following members were present at the Special Meeting and Public Hearing:

Evangeline Anderson	Robert Cook
AJ Culver	Robert George
Lynn Guttman	Claudia Hirschey
Roberta Lewandowski	Roger Loschen

III. PUBLIC HEARING

INTRODUCTION:

Chair Marchand stated that the purpose of the Special Meeting is to conduct a Public Hearing on the Lea Hill Area Annexation, a proposal submitted by the City of Auburn to the Boundary Review Board in January 2007. The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation.

Chair Marchand described the standards for a quasi-judicial public hearing and the scope of the hearing. He explained the process for taking public testimony.

Chair Marchand opened the public hearing. Chair Marchand and Lenora Blauman described the proposed annexation as follows:

The City of Auburn proposes the annexation of approximately 2095 acres of land, known as the Lea Hill Area. This annexation was proposed pursuant to RCW 35A.14. The Lea Hill Area property owners are seeking annexation in order to develop properties under City of Auburn regulations and to receive municipal public services from Auburn. Auburn City Council adopted the Resolution for annexation in January 2007 in order to support orderly, logical growth of governance and provision of coordinated public services/facilities to the Lea Hill Area.

The site is located on the northeastern side of the City of Auburn. The western boundary of the site abuts the City limits. The northern boundary is generally formed by SE 280th Street. The eastern boundary of the Lea Hill Annexation is generally formed by State Route 18. The southern boundary is generally formed by the Green River corridor.

In conjunction with the transmittal of the Notice of Intention, the City of Auburn invoked jurisdiction seeking a public hearing before the Boundary Review Board in order to provide citizens with an independent venue for assessment of the proposed Lea Hill Annexation.

Further, the City of Auburn Resolution calls for an election to permit the citizens of the Lea Hill Area to ultimately decide whether or not to join the City of Auburn.

Based upon the City of Auburn's invoking of jurisdiction, the Boundary Review Board scheduled this public hearing to review the proposed basic Lea Hill Area Annexation.

Following the conclusion of the public hearing, the Boundary Review Board will deliberate and make a decision with respect to the Lea Hill Area Annexation. The Board will consider the state, regional, and local regulations which guide annexations. The Board may approve the Lea Hill Area Annexation as proposed by the City of Auburn. The Board may adjust the boundaries of the Lea Hill Area Annexation. The Board may deny the entire Lea Hill Area Annexation.

PROPONENT PRESENTATION: CITY OF AUBURN: PETE LEWIS, MAYOR; DAN HITE, CITY ATTORNEY; SHELLEY COLEMAN, FINANCE; DAVID OSAKI, COMMUNITY DEVELOPMENT; DENNIS DOWDY, PUBLIC WORKS; BRENDA HEILMAN, HUMAN RESOURCES

At the Special Meeting/Public Hearing of March 6, 2007, Mayor Pete Lewis and representatives from the City of Auburn presented the proposed Lea Hill Area Annexation. The speakers also addressed inquiries by the Boundary Review Board members. Following is a summary of the statement (including responses to inquiries).

City officials reported that the City of Auburn proposes the annexation of 2095 acres, known as the Lea Hill Area Annexation. This annexation was proposed under a Resolution based upon an Interlocal Agreement, pursuant to RCW 35A.14. The Auburn City Council adopted the Resolution for annexation in January 2007.

The City is proposing the Lea Hill Area annexation in order to permit citizens to participate in local governance by the City of Auburn, to develop properties under City of Auburn regulations and to receive public services (e.g., sewer services) from Auburn. Presently the Lea Hill Area is substantially developed with residential uses, including primarily single-family homes and some multi-family dwelling units. Approximately 10,500 people reside in the Lea Hill Area. Green River Community College and a small commercial district are also located within the boundaries of the Lea Hill Area.

The Lea Hill Annexation is intended to add into the City of Auburn all lands within the Urban Growth Boundary described in this Potential Annexation Area. However, there are two areas that are slated for future – rather than immediate – annexation as follows:

- Area 1: A 9.5 acre territory (including a portion of SR 18) which includes both "Urban" and "Rural" Lands.

In order not to bisect the governing authority for the portion of land, it is entirely removed from the Lea Hill Annexation Area. The City and the County have agreed to work to resolve this matter in the near future.

- Area 2: Verdana Island: This 160 acre site is entirely surrounded by the City of Auburn. However, this land is located wholly within the incorporated boundaries of the City of Kent.

The City of Kent has utilized this land as watershed. However, a portion of the site is zoned – and slated – for a residential Planned Unit Development. The remainder of the territory will remain as open space.

The Lea Hill Area annexation will not cause a change to jurisdiction of this land. However, following the Lea Hill Area Annexation, Verdana will be contiguous to the City of Auburn. Upon achievement of contiguous status, the annexation of the Verdana Island could be accomplished under existing law.

For the short-term, the City of Auburn/City of Kent agreements and plans provide both for governance and for continuing public services to the Verdana Island. However, the City of Auburn and the City of Kent contemplate a future annexation of the Verdana territory to the

City of Auburn. Such a transfer is anticipated based upon the geographic contiguity of the lands; topographic links (e.g., terrain, water basins); proposed land uses that are consistent with City of Auburn land uses; and service connections (e.g., roadways, emergency services). To that end, the City of Kent and the City of Auburn are establishing a plan and an agreement to permit annexation of the area to Auburn at a future time.

Mayor Lewis reported that the King County Comprehensive Plan/Countywide Planning Policies support the Lea Hill Area Annexation. The King County Plan establishes cities as the appropriate units to govern, develop, and serve Urban Areas. King County Comprehensive Plan policies call for near-term annexation of lands within the Urban Growth Area to facilitate governance and service

Similarly, the Lea Hill Annexation is consistent with the State Growth Management Act (RCW 36A.70) which encourages local jurisdictions to govern urban lands. For example, the proposed action would be consistent with RCW 36.70.20 which calls for community planning goals, for urban growth, services and infrastructure, and environmental preservation. The application reportedly addresses RCW 36.70A.020 (1), encouraging development in urban areas where there are adequate public services. It is also consistent with RCW 36.70A.020 (12), which calls for public services to support permitted development.

The Lea Hill annexation will permit the City of Auburn to effectively govern, manage coordinated growth, and efficiently serve the entire Lea Hill community. Annexation would permit development of primary land uses and corollary public services (e.g., roadways) envisioned in the Act. Environmentally sensitive areas would also be protected under the provisions of this annexation.

Mayor Lewis and City officials reported that the City of Auburn has conducted fiscal analyses (including an examination of benefits and costs) attendant upon governance and service of the Lea Hill Area. City representatives provided a general overview of the Annexation Study.

City officials reported that Annexation Study findings provide reasonable assurance that existing and anticipated municipal funding resources will provide sufficient resources to assure service to the Lea Hill Area in a manner that will address impacts on cost and adequacy of services, finances, debt structure, and rights of other governmental units. More specifically, for the present and the near-term future, the Fiscal Analyses demonstrate that City resources (\$2,056,000), in combination with State of Washington allocations (\$1,295,100.) will enable the City to fund annexation and service to the Lea Hill Area without a significant impact to cost of services and adequacy of services, financial structure, debt structure, or rights of other governmental units.

The City estimates that expenditures for governance of the Lea Hill Area will be \$3,243,100. Revenues are estimated at \$3,351,400. Upon annexation, property owners will assume their share of the regular and special levy rate of the City for capital facilities and public services. With that assumption, nonetheless, it is estimated that taxpayers would benefit from a reduction of property tax levy rate (i.e. estimated at \$175 - \$200 per household).

The City has determined that public facilities and services are currently sufficient to serve both the existing City of Auburn and the Lea Hill community both immediately and into the near-term future. Lea Hill Area residents would be provided services, infrastructure, and facilities at a basic level immediately upon incorporation. Improvements to levels of service would then occur over time as required to meet the needs of the community and as permitted by available resources.

Further, the Lea Hill Area Annexation is proposed under a framework established through an Interlocal Agreement between the City of Auburn and King County. The Interlocal Agreement

establishes a commitment by the County to provide the City of Auburn funding in the amount of \$1.125 million for facilitation of transition of service responsibilities from King County to the City of Auburn and \$450,000 for roadway improvements.

In return, the City of Auburn has made a commitment to complete annexation of the Lea Hill Area by no later than 2008. The City must govern built lands, open spaces, and basic services (e.g., parks, surface water management facilities, ground water facilities, and other facilities.)

City officials reported that, at the present time, there is limited data available from which to precisely determine long-term revenue/expenditures for general funds and for capital improvements for provision of appropriate levels of specific services, infrastructure (e.g., roadways, pavement), and public facilities. The City plans to shortly develop a detailed future Capital Investment Program. Future capital needs and costs will be examined and funded through the Auburn Capital Investment Program – which includes government funding, grant funding, and local taxes/fees.

Capital improvements, services, and amenities will be provided as needs are defined and funding becomes available. For example:

- Basic services would be provided based upon existing resources. If service data indicates the need for additional resources, then the City would address those requirements with appropriate upgrades to service levels.
- Roadway improvements will be based upon requirements for safe, efficient travel. Auburn plans for improvements to roadways with funding from a variety of sources (e.g., King County Initiative funds, City funds, State of Washington funds, and funds from the Federal Government).

The City will endeavor to remain flexible in order to coordinate/fund improvements to the community.

City representatives stated that the jurisdiction has concluded that the Annexation Study supports the Lea Hill Annexation. The City wishes to annex the Lea Hill Area so that Auburn may govern and serve the citizens.

The City of Auburn determined that RCW 36.93 (Boundary Review Board Act) supports the proposed Lea Hill Area Annexation to the City of Auburn. For example, this action would be consistent with RCW 36.93 as follows:

- Objective 1 calls for the preservation of neighborhoods. The Lea Hill Area Annexation will preserve an existing, well-defined neighborhood. The Lea Hill Area is linked to Auburn by social fabric (e.g., similar land uses and open spaces, shared sense of community) and by built/natural geographic features (e.g., land uses, topography, open spaces, rights-of-way, water bodies, surface water systems).

Annexation of Lea Hill into Auburn would bring 10,500 more citizens into the community, an increase of approximately 15% - 20%. The inclusion of a sizeable area and population serves to create a coordinated community and address the Growth Management Act goals which support local governance by municipal jurisdictions.

The Lea Hill Area is designated as a Potential Annexation Area for the City of Auburn in the "Development in the Unincorporated Areas and Annexation Element" of the City of Auburn Comprehensive Plan. Under the Plan, the Lea Hill Area was identified, mapped, and analyzed for incorporation into the City of Auburn. The Comprehensive Plan was developed with the knowledge and support of the City of Kent. King County has designated this area for urban development because of its location within the Urban Growth Area boundary. The Comprehensive Plan has been approved by the State of Washington.

The proposed Lea Hill Area Annexation would be consistent with those specific City of Auburn Comprehensive Plan Policies relating to community growth, land use/development, service provision, and mutual social and economic benefits.

The City of Auburn Comprehensive Plan, Zoning Code, and Critical Areas Ordinances have established standards to guide ongoing uses and new development on the Lea Hill properties following annexation. The City of Auburn is prepared to provide development review and environmental review (e.g., protection of slopes, sensitive areas, and stormwater management) to the Lea Hill Area based upon local, regional and state regulations. More specifically:

- King County has established the Lea Hill Area for Residential Use at R-1 – R-24 (One dwelling unit per gross acre – 24 units per gross acre); Greenbelt/Urban Separator (Approximately one dwelling unit per acre); and Community Business.
- Currently, the Lea Hill Area is developed primarily with residential uses, including single-family homes and multi-family dwellings. There is limited commercial area. The Lea Hill Area also includes public facilities and open spaces. There is vacant land and developed land that could be utilized for new development in the future.
- Under City of Auburn regulations, the Lea Hill Area would be proposed to continue as a predominantly residential community with designations and zoning similar to that existing under King County. More specifically, the City would preserve existing Urban Separators. The City would permit single-family development at one unit per acre.

Lands now designated for Single-Family Residential development at approximately four units per acre in areas would continue to permit a like level of development (i.e., RS - Single Family – one unit per 35,000 square feet; R-1 Single Family +/- 4 units per acre).

- Under City of Auburn regulations, those areas of Lea Hill now permitting multi-family development would continue to support development at like densities to both preserve the community and permit affordable, accessible housing for various populations. Zoning would include R-2 (Single Family – 6-7 units per acre), and R-3 (Two Family Residential – per 5000 square feet). In the downtown area where there is immediate access to commerce and public facilities/services, R-4 (High Density Residential – 18 units per acre) would continue to be permitted. Densities may be reduced in other area of Lea Hill to ensure appropriate growth and development.
- Kent and Auburn officials have worked together to determine that the Verdana Planned Unit Development (380 units) and the remaining open space are designed to be compatible with permitted existing and future land uses to ensure neighborhood preservation and to permit coordinated, efficient provision of public services.
- Under City of Auburn regulations, the Lea Hill Area would likely support some limited expansion of commercial areas to serve the local populace.
- Under City of Auburn regulations, the Lea Hill Area, zoning would accommodate existing public facilities and open spaces.

In response to requests by the Boundary Review Board, the City of Auburn will provide a King County Land Use/Zoning Map which overlies the City of Auburn Land Use/Zoning Map to facilitate analysis of the existing and proposed land use/zoning designations for the Lea Hill Area and surrounding communities.

- Objective 2, calls for physical boundaries to form an annexation area. The proposed Lea Hill Area Annexation shares physical boundaries with the City of Auburn. Other Lea Hill boundaries are formed by the Urban Growth boundary line and the Green River Corridor.

Although the Lea Hill Area possesses a rather unusual configuration, the lands within these borders are specifically established for annexation by Auburn under the City of Auburn Comprehensive Plan (approved by the State of Washington.)

- Objective 3: The Lea Hill Area Annexation would also reportedly be consistent with Objective 3, which calls for creation of logical service areas. The City can provide either directly or by contract for policing, fire protection, water, storm water control, sewers, parks, and other public facilities/amenities. For example:
 - The City of Auburn will directly provide for policing services.
 - The City of Auburn will contract with the Valley Regional Fire Authority, formed in 2006, to provide fire protection and emergency services. Services benefits and costs management have been designed based upon City of Auburn general funds – including currently available funding and future funding projected in a fiscal analysis.
 - The City of Auburn will work with King County Water District No. 111 and the City of Kent to provide water services.
 - The City of Auburn will work with Soos Creek Water and Sewer District and with the City of Kent to provide wastewater treatment services.
 - The City of Auburn will provide for storm water management. The City will coordinate stormwater services in keeping with King County standards. Specific systems/facilities will be designed to address both the natural environment (e.g., basins, terrain) and the built environment (e.g., structures, roadways). The City will consider creating public amenities to simultaneously serve as storm water management tools. Stormwater management systems will be designed and maintained by professional staff and will be financed through existing stormwater management funds.
 - City parks, recreation facilities, libraries and other community services would be available to the citizens of the Lea Hill Area. The City currently owns/has responsibility for local and regional parks under the City Comprehensive Parks Plan.
 - Children would continue to attend schools in Auburn School District No. 408 or Kent School District No. 415.
 - Local streets are fully operational and well-maintained by the City of Auburn. Existing funds in the Capital Improvement Plan budget are anticipated to be sufficient to continue to manage these roadways.
 - Arterial roadways (including streets, storm water drains, and other right of way features) are anticipated to require \$30 million for upgrades and maintenance. Funding is planned from King County Annexation Initiative fees, grants, development impact fees and other sources.

City officials acknowledge that funding may not permit immediate improvements to these facilities. However, the City will diligently plan and seek funding for necessary future improvements to the community.

City officials stated that provision of public services to the Lea Hill Area would be improved by placing the entire area under a single municipal jurisdiction.

- Objective 4 calls for the prevention of abnormally irregular boundaries. The proposed boundaries of the Lea Hill Area are not geometric in form; however, these boundaries do provide regularity based upon the fact that the borders of the Lea Hill Area are consistent with the Auburn Potential Annexation Area. Similarly, the Lea Hill Area boundaries coincide with the established urban growth area boundary and with the duly approved incorporated boundaries of the City of Kent.

The City of Auburn has agreements in place with the City of Kent for the future transfer of the Verdana Island Area. Similarly, the City of Auburn is working with King County to address the future annexation of the 9.5 acre portion of the SR 18 right-of-way.

- Objective 7: The proposed Lea Hill Area Annexation reportedly achieves Objective 7, which calls for the achievement of practical boundaries for a jurisdiction. The present Lea Hill Area is a sizeable “island” of unincorporated land. The Lea Hill Area Annexation would create more reasonable and practical boundaries for governance and service.
- Objective 8: The Lea Hill Area Annexation would also reportedly be consistent with Objective 8, which calls for inclusion of urban areas within municipalities. Annexation would permit citizens to affiliate with a local government and thus to participate in the local government process.

Coordinated governance and services should immediately benefit the Lea Hill Area citizens. Further, upon annexation of the Lea Hill Area, citizens will be notified of – and be invited to participate in – planning (and setting limitations) for future improvements to the community.

PRESENTATIONS BY GOVERNMENT JURISDICTIONS:

KING COUNTY: KAREN REED, CONSULTANT TO KING COUNTY EXECUTIVE – OFFICE OF MANAGEMENT AND BUDGET

Karen Reed, representing the King County Executive Office of Management and Budget, stated that King County officials support the City of Auburn’s proposal to annex the Lea Hill Area. The County supports the City of Auburn’s commitment to annex the Lea Hill Area based upon the following facts:

- The State Growth Management Act (RCW 36.70A) calls for local jurisdictions to govern urban lands. The Act supports timely incorporation of urban lands to local jurisdictions.
- The King County Comprehensive Plan/Countywide Planning Policies and the City of Auburn Comprehensive Plan support annexation of Lea Hill Area to Auburn.
- The City of Auburn has agreed to enter into an Interlocal Agreement with King County to govern, serve, and provide financial support as appropriate for the Lea Hill Area.
The City of Auburn provides an established record as an entity capable of providing for zoning, development standards, and environmental protection appropriate to the area.
- The County has limited ability to provide efficient local services in urban unincorporated areas.
- RCW 36.93 (Boundary Review Board) criteria support annexation of Lea Hill Area to Auburn. For example, the annexation is consistent with RCW 36.93.170 (e.g., comprehensive land management, municipal services resources/requirements, mutual social and economic characteristics). Similarly the annexation achieves standards set in RCW 36.93.180 (Objectives).
- Citizens of the Lea Hill Area will be invited to participate in an election to determine whether or not they would choose to join the City of Auburn.

Thus, King County requests that the Boundary Review Board approve the City of Auburn to approve the Lea Hill Area Annexation.

VALLEY REGIONAL FIRE AUTHORITY: ERIC ROBERTSON; MIKE GERBER

Mr. Gerber and Mr. Robertson reported that the Valley Regional Fire Authority (VRFA) was formed in 2006 by an election of the citizens of Auburn, Pacific, and Algona.

The VRFA is funded by voter-approved property taxes provided via the three client cities.

VRFA is also authorized to establish a fire benefit charge assessed on developed properties. This funding method was selected because it provides for both a flat fee and a flexible fee based upon utilization of services. Citizens are expected to pay reduced fees for fire service and EMS services.

The VRFA will not be required to assume bonded indebtedness from any jurisdiction.

VRFA response time ratings are currently less than 10 minutes. It is anticipated that the response times will improve to equal (4-6 minutes) or better than those provided by Fire District No. 44, when VRFA assumes access to Fire District No. 44 stations.

As the VRFA will impact existing Fire District No. 37 and Fire District No. 44, VRFA officials have been meeting with officials of the districts in order to develop mutually agreeable plans leading to the transition of fire services to the VRFA if the Lea Hill Area Annexation is approved by a vote of the citizens. Such plans are necessary pursuant to RCW 35A.14.400.

VRFA and Fire District No. 37 have established an agreement which is currently being reviewed by legal counsel in preparation for signatures that will formalize the transition of services to the VRFA.

VRFA representatives reported that negotiations continue with Fire District No. 44 to achieve an agreement for transition of services. A proposed agreement is under consideration.

VRFA representatives acknowledged that impacts to Fire District No. 44 will be substantial based upon the fact that – while the Lea Hill Area comprises a very limited portion of the District's service area -- a high percentage of the funding for Fire District No. 44 is provided by the Lea Hill community. At present, VRFA is awaiting a comprehensive asset inventory and valuation study from District No. 44. Similarly plans will need to be developed for transfer of personnel in accord with statutes that address labor standards. These data are necessary before the details of transfer can be established as prescribed by RCW 35A.14.400.

State law provides a variety of mechanisms for transition of services/division of assets including mutual agreement and/or binding arbitration. VRFA representatives reported that the agency intends to continue the required work to refine the terms of service transfer with Fire District No. 44 in order to ultimately create an agreement that protects the viability of Fire District No. 44 and simultaneously benefits the citizens of the City of Auburn.

VRFA representatives acknowledged that there is a need to be sensitive to the service costs, funding costs, and costs to human resources in achieving the transitions required by law.

To ensure that the Boundary Review Board record for File No. 2249 is complete with respect to impacts upon the VRFA and Fire District No. 44, VRFA representatives, working with City of Auburn officials, will provide a map which delineates the existing and future service areas for VRFA and for Fire District No. 44. VRFA representatives, working with City of Auburn officials, will provide information which clearly identifies current funding levels and future funding impacts relating to the transition of services is also

Mr. Robertson and Mr. Gerber stated, in conclusion, that VRFA has the commitment and the resources necessary to provide Lea Hill Area citizens with an improved level of fire protection and EMS services.

OPPONENT PRESENTATION (JURISDICTIONS):

FIRE DISTRICT NO. 44: BRIAN SNURE, ATTORNEY AT LAW

Brian Snure, representing Fire Protection District No. 44, reported that annexation of the Lea Hill Area by the City of Auburn will reduce the Fire District's tax revenue and assets by approximately 26 per cent, while reducing the District's service area by only approximately 10 per cent. If the annexation is approved by the voters, the Fire District will be required to comply with RCW 35A.14.400 which will necessitate a transfer of substantial assets to the City of Auburn.

Mr. Snure testified that the parties have provided varying estimates of changes to area size and to revenue/expenditure levels. He stated that, while the reported size of changes to area and fiscal assets are approximate, it is clear that – within the entire estimated range – the proposed annexation and the concomitant asset transfer will significantly impact the Fire District's ability to maintain its current level of service to that area (+/- 90 per cent) of the Fire District service area that is located outside of the Lea Hill community. The financial impact reflects the Fire District's significant immediate loss of assets and loss of tax base.

The Fire District continues to endeavor to negotiate an agreement to address the impacts of the annexation. However, as there is presently no agreement in place – and as the review process is proceeding forward -- Mr. Snure reports that Fire District No. 44 has no alternative other than to seek relief from the Boundary Review Board.

Therefore, Fire District No. 44 requests that the Boundary Review Board either: (1) deny the annexation until VRFA and Fire District No. 44 can come to a mutual agreement; or (2) exercise its authority under RCW 36.93.150 (3) and (4) to condition the approval of the portion of the proposed annexation that is located in the Fire District No. 44 to require the City to enter into an agreement that is acceptable to Fire District No. 44.

GENERAL TESTIMONY:

Approximately 50 citizens attended the Special Meeting/Public Hearing in the matter of the Lea Hill Annexation. Two persons presented testimony.

The speakers testified as to their concerns with respect to the capacity of the City of Auburn to immediately govern and serve the Lea Hill Area. Specifically reported matters of concern included City plans for zoning/land uses (e.g., development type and density), roadways, storm water control systems, and emergency services.

REBUTTAL: PETE LEWIS, MAYOR; DAN HITE, CITY ATTORNEY

City officials, in concluding, stated that the City of Auburn's proposal for annexation of Lea Hill achieves the standards established in RCW 36.93 (e.g., RCW 36.93.170 and RCW 36.93.180).

The City intends, upon annexation, to invite citizens to work with City officials to ensure agreement with respect to land uses (e.g., designations and densities). Similarly citizens and City officials would work together to establish levels of public services/facilities and the costs for implementation of public services and community amenities.

While the City intends for fire and emergency services to be provided by VRFA, the City shares a commitment to provide for a transition of services, assets, and personnel from Fire District No. 44 which preserves the viability of the Fire District, VRFA, and the City of Auburn. The appropriate means to achieving this goal is the establishment of a mutual Agreement – either through negotiations or binding arbitration as permitted by RCW 35A.14.400. Establishment of conditions by the Boundary Review Board will be less successful based upon the complexity of the regulatory process for achieving agreement and based upon the fact that the Board lacks appropriate tools to monitor the parties and to exact penalties for failure of parties to comply with conditions.

In the event that the Boundary Review Board approves the proposed Lea Hill Area Annexation, the City will provide for an election to enable citizens of the Lea Hill Area to formally voice their views concerning annexation.

Citizens may choose to join the City of Auburn or to remain under the jurisdiction of King County. Citizens joining the community will reportedly receive the same high quality of governance and service provided to the existing City of Auburn. The City intends to invite citizen participation in the governance process. The City intends to be open, careful, and

conservative in disclosing information, achieving compliance with laws, and addressing the interests of its citizens.

The City of Auburn supports this annexation in order to serve citizens of the Lea Hill Area. New development and coordinated services would also benefit the greater Auburn community.

IV. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING

At the completion of public testimony at the March 6, 2007 Special Meeting/Public Hearing for the Lea Hill Area Annexation, Chair Marchand instructed the Board with respect to procedures for closure (or continuation) of the public hearing. He reported that the Board could choose to continue the hearing to obtain more information, to close the public hearing while holding open the record for additional information, or to close the hearing and deliberate for a decision on the proposed action.

Motion: Roger Loschen moved and Lynn Guttmann seconded a motion that the Boundary Review Board, in the matter of the proposed annexation of the Lea Hill Area (2095 acres) into the City of Auburn, close the Special Meeting/Public Hearing to public testimony and maintain the record open to obtain the following materials:

- A King County Zoning Map including an overlay onto the City of Auburn Zoning Map, including the existing City of Auburn and the proposed Lea Hill Annexation Area (David Osaki); and
- A map of the Valley Regional Fire Authority overlaying maps of Fire Protection District No. 37 and Fire Protection District No. 44 (Eric Robertson; David Osaki); and
- Statutory citations relating to prescribed definition of "islands" pursuant to municipal annexations; (Robert C. Kaufman).
- Statutory citations relating to methods for resolution of disputes between annexing municipalities and existing fire districts (Robert C. Kaufman).

These materials must be provided by Monday, March 12, 2007 at 12:00 p.m.

The Board will then proceed to deliberations and preliminary decision-making in the above-referenced matter on Thursday, March 15, 2007 at 7:00 p.m. at the King County DDES Hearing Room, at 900 Oakesdale Avenue, Renton, Washington.

Discussion: Board members entered into a discussion as to the benefits of conducting deliberations on March 7, 2007 in the Lea Hill Annexation Area as contrasted to the benefits of conducting deliberations at a Regular Meeting which is also administered under the Open Public Meetings regulations.

In sum, support for conducting deliberations on March 7, 2007 in the Lea Hill Area was based upon the fact that this meeting -- which was reported in the public notices -- would be more immediately accessible to citizens of the Annexation Area. However, the Board would have extremely limited opportunity to receive and review the outstanding documents requested to complete the record for this Notice of Intention.

Support for undertaking deliberations and preliminary decision-making on March 15, 2007 at a Regular Meeting of the Board was based upon the fact that this review plan is permitted under the statutes, permits reasonable access to citizens, and provides the Board members with an appropriate opportunity to review the entire record in advance of undertaking deliberations for a decision in this matter.

At the conclusion of the discussion, Chair Marchand called for the question.

Action: *The Special Meeting/Public Hearing in the matter of the proposed annexation of the Lea Hill Area (2095 acres) into the City of Auburn, shall be closed to public testimony on March 6, 2007. The written record shall be maintained open until March 12, 2007 at 12:00 p.m. in order to receive documents as follows:*

- *A King County Zoning Map including an overlay onto the City of Auburn Zoning Map, including the existing City of Auburn and the proposed Lea Hill Annexation Area (David Osaki); and*
- *A map of the Valley Regional Fire Authority overlaying maps of Fire Protection District No. 37 and Fire Protection District No. 44 (Eric Robertson; David Osaki); and*
- *Statutory citations relating to prescribed definition of "islands" pursuant to municipal annexations; (Robert C. Kaufman).*
- *Statutory citations relating to methods for resolution of disputes between annexing municipalities and existing fire districts (Robert C. Kaufman).*

The Board will then proceed to deliberations and preliminary decision-making in the above-referenced matter on Thursday, March 15, 2007 at 7:00 p.m. at the King County DDES Hearing Room, at 900 Oakesdale Avenue, Renton, Washington.

Seven members voted in favor of the motion (Robert Cook, A. J. Culver, Robert George, Lynn Guttmann, Roberta Lewandowski, Roger Loschen, Michael Marchand). Evangeline Anderson and Claudia Hirschey voted in opposition to the motion.

V. ADJOURNMENT

Action: *Evangeline Anderson moved and Claudia Hirschey seconded a motion to adjourn the Special Meeting/Public Hearing of March 6, 2007. The motion passed by unanimous vote. Chair Marchand adjourned the meeting at 10:00 PM.*